

MEMO ENDORSED

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May 6, 2014

Via ECF & Regular Mail

The Honorable William H. Pauley, III, U.S.D.J.
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1920
New York, NY 10007

Re: Penceal, et al. v. Empire Beauty Schools, Inc., et al.
Case No. 13-cv-7572 (WHP)

Dear Judge Pauley:

Pursuant to Your Honor's March 26, 2014 Scheduling Order, plaintiffs were to file a Second Amended Complaint on or before May 5, 2014. If Your Honor may recall, to avoid defendants' Motion to Dismiss, plaintiffs had agreed to file a Second Amended Complaint at this early juncture in the case in order to avoid motion practice. Consistent with the Court's March 26, 2014 Order, plaintiffs filed the Second Amended Complaint yesterday, May 5, 2014. While filing via ECF, our office selected the individual plaintiffs for which the Second Amended Complaint was being filed and also selected "all defendants" when filing the Second Amended Complaint.

However, apparently this method of filing was in error. Today, our office received a deficiency notice from the clerk explaining that our office was required to select each defendant separately when filing this Second Amended Complaint. The deficiency notice, which is attached, also notes that since leave to file has now expired, plaintiffs need to seek new leave to file plaintiffs' Second Amended Complaint. Plaintiffs are prepared to file a motion seeking such leave but since Your Honor's rules require letters to the Court prior to filing such notice, plaintiffs thought it prudent to send this letter to Your Honor first.

Plaintiffs respectfully request to be permitted to be granted a few additional days to file plaintiffs' Second Amended Complaint in light of the filing error and to cure the clerk's deficiency notice. If Your Honor prefers to do this by way of formal motion, plaintiffs, in the alternative, request that Your Honor kindly grant leave to permit plaintiffs to file said motion. Plaintiffs apologize for any inconvenience this has caused to the Court.

Respectfully submitted,

DeNITTIS OSEFCHEN, P.C.



STEPHEN P. DeNITTIS

SPD: jra

Encl.

cc: All Counsel of Record (via ECF)

Application granted. Plaintiffs may file
their Second Amended Complaint by
May 14, 2014.

SO ORDERED:



WILLIAM H. PAULEY III U.S.D.J.

5/7/14